

APPEAL NO. 030148
FILED MARCH 7, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 19, 2002. The hearing officer determined that the respondent's (claimant) _____, compensable injury includes a diffuse circumferential bulging, protrusion, or herniation at the L4-5 and L5-S1 levels of the lumbar spine and a subligamentous broad based posterior protrusion or herniation at the C5-6 level, and that the claimant's impairment rating (IR) is nine percent pursuant to the certification done by the Texas Workers' Compensation Commission-selected designated doctor. The appellant (carrier) appealed the hearing officer's extent-of-injury determination on sufficiency of the evidence grounds. The file does not contain a response from the claimant. The hearing officer's IR determination is unappealed and has become final. Section 410.169.

DECISION

Affirmed.

We have reviewed the complained-of determination and find that the hearing officer's Decision and Order is supported by sufficient evidence to be affirmed. The disputed issue presented a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issue. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determination is so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **WESTERN INDEMNITY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**BOB MORRISON
800 GESSNER, SUITE 1000
HOUSTON, TEXAS 77024.**

Daniel R. Barry
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge